

HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
MINUTES
September 24, 2013

PRESENT: Jay Diener, Chair
Barbara Renaud
Gordon Vinther
Nathan Page, alternate
Diane Shaw, alternate
Brendan McNamara, Planning Board Representative
Rayann Dionne, Conservation Commission Coordinator

CALL TO ORDER:

The meeting was called to order at 7:01 p.m. by the Chairman, Jay Diener, at the Hampton Town Office Meeting Room.

CONSIDERATION OF MINUTES

MOTION by Ms. Renaud to approve the August 27, 2013 minutes with edits provided.

SECOND by Ms. Shaw

VOTE: 3-0-2, Mr. Diener and Mr. Page abstained

APPOINTMENTS

APPLICATIONS

A. 48 Hobson Ave

Applicant: Kelly Ford

Application Type: Town Special Permit and NHDES Standard Dredge and Fill

The applicant has requested to have this discussion postponed to the October meeting because additional time is needed to submit the NHDES Standard Dredge and Fill application.

B. 56 Mooring Drive

Applicant: Donna Gaznick-Hopler

Application Type: Town Special Permit and NHDES Standard Dredge and Fill,

This project involves replacing and increasing the height of the existing dwelling's foundation which is currently in poor condition. The purpose of increasing the height is to help prevent damage from flooding. Mr. Kenny Lessard of Lessard V. & Sons gave a brief explanation of the construction process. The house will be lifted approximately 6 ft. and the existing block foundation will be dismantled and hauled off site. The underneath will be further excavated to allow for a 3' poured foundation footing. The current first floor will be 24" higher. Mr. Diener asked how much of the asphalt around the home will be removed to allow access underneath the building. Mr. Lessard estimated approximately 2ft of the asphalt will need to be removed from the perimeter of the building. Mr. Diener also asked how this area will be treated after the foundation is poured. Mr. Lessard commented that there are several options but recommended that crushed stone be placed in this area instead of asphalt. Mr. Diener liked the idea because it provides stormwater infiltration. Currently the entire property is impervious either from the

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structure or asphalt, which provides zero stormwater management or treatment. Mr. McNamara asked if the front stairs were going to be replaced. Mr. Lessard said they would be replaced with a precast staircase. Mr. Vinther commented that he was in favor of the crushed stone instead of asphalt. Ms. Renaud also agreed with the use of crushed stone. However, she would like to see the amount of crushed stone added (area to become pervious) equal at least 15% of the total lot square footage. The reasoning behind this request is that the Zoning Ordinance only allows a maximum of 85% of the lot to be covered with impervious surfaces and currently there is a 100% coverage. This reduction would bring the property into conformance. Mr. Lessard did a quick calculation and estimated that a 2ft wide strip around the building and under the deck would achieve the necessary square footage to meet the 15% pervious requirement. Mrs. Dionne encouraged the property owner to increase the foundation as high as feasible because Hampton is experiencing more frequent and increased flooding. The height increase that was chosen keeps the house in line with rest of the neighborhood.

NO PUBLIC COMMENT

MOTION by Ms. Renaud to recommend granting the Special Permit at 56 Mooring Drive for the replacement of a concrete block foundation with a poured concrete foundation to increase the first floor elevation with the following conditions and the usual stipulations:

1. A pervious apron of crush stone shall be installed around the perimeter of the house to create a minimum of 15% pervious lot coverage as required under the Zoning Ordinance.
2. The Conservation Commission will be notified at the beginning and end of the project.

SECOND Ms. Shaw

VOTE: 4-0-1, Mr. Diener abstained.

MOTION by Ms. Renaud to not oppose the NHDES Wetland permit at 56 Mooring Drive for the replacement of a concrete block foundation with a poured concrete foundation to increase the first floor elevation with the following conditions:

1. A pervious apron of crush stone shall be installed around the perimeter of the house to create a minimum of 15% pervious lot coverage as required under the Zoning Ordinance.
2. The Conservation Commission will be notified at the beginning and end of the project.

SECOND by Mr. Page

VOTE: 4-0-1, Mr. Diener abstained.

C. 16 Nor'East Lane

Applicant: Robert and Mary Jane Solomon

Agent: Henry Boyd of Millennium Engineering

Application Type: Town Special Permit and NHDES Standard Dredge and Fill

This project involves reconfiguring and reconstructing the ocean side deck. Mr. Boyd indicated that the current deck needs to be rehabilitated. He met on-site with Frank Richardson of NHDES

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Wetland Bureau to determine if there were any unforeseen issues. Portions of this deck will actually be removed during the seawall reconstruction project to allow for easier material transport to the beach. Mr. Boyd noted that the current deck has an awkward foot print. The home owners have done a significant amount of remodeling. Part of remodel involved removing a south side door that used to access the deck. Since this door is gone this portion of the deck is no longer necessary. The new deck foot print will be slightly smaller and the ocean side edge will run parallel with the property line resulting in a more useful configuration. The new eastern edge of the deck will encroach slightly closer to the Highest Observable Tide Line than the original deck. It is expected that the sonotubes will be dug by hand, if possible. Lastly, Mr. Boyd pointed out several areas outside of the 50' buffer where the home owner has voluntarily chosen to remove a total of 315 sq. ft. of impervious surface which will help improve stormwater management on site.

Mr. Diener asked if the sonotubes posts were not dug by hand then what would be used. Mr. Boyd responded that either a posthole auger or mini excavator with a drill. He reminded the Commission that this area will be disturbed during the seawall work, so the use of equipment to dig the sonotubes holes would not add any new impact. Ms. Renaud asked whether all of Frank Richardson's recommendations had been incorporated. Mr. Boyd indicated that they had. Mr. Boyd also commented that the homeowner is seeking a variance from the Zoning Board with regards to the rear property line set back, as the old deck and the reconfigured deck do not meet the required 10ft setback.

Mr. Diener reminded Mr. Boyd that the NHDES Shoreland regulations do not allow further encroachment towards the ocean or reference line. Mr. Boyd is aware but indicated that there is an overall reduction in impervious surface which might help with obtaining an approval.

Mrs. Dionne asked how high off the ground the deck is. Mr. Boyd responded that it is approximately 5ft off the ground. It was also asked if the area to be grassed would be lawn or beach grass. Mr. Boyd commented that lawn was proposed and did not feel that beach grass was appropriate. He explained that this area prior to development was a bluff as opposed to sand dune.

Mr. McNamara asked about the wooden seawall stairs shown on the plan as opposed to the proposed stone staircases that were approved under the seawall reconstruction Town Special Permit. Mr. Boyd commented that this project does not deal with the seawall and the plan is only depicting the current conditions.

NO PUBLIC COMMENT

MOTION by Ms. Renaud to recommend the granting of the Special Permit for the reconfiguration of the ocean side deck at 16 Nor'East Lane with following condition and the usual stipulations:

1. It is the Conservation Commission's preference that the sonotube holes be dug by hand or with equipment that accesses the property only from Nor'East Lane.

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SECOND by Mr. Page

DISCUSSION: Mr. Diener asked if they wanted to require that beach grass instead of lawn be planted in the areas becoming pervious. Mr. Boyd did not believe that beach grass would grow. The Commission decided lawn was acceptable.

VOTE: 4-0-1, Mr. Diener abstained

MOTION by Ms. Renaud to not oppose the granting of a NHDES Wetland permit for the reconfiguration of the ocean side deck at 16 Nor'East Lane with the request that the Conservation Commission be notified at the beginning and end of the project.

SECOND by Mr. Vinther

VOTE: 4-0-1, Mr. Diener abstained.

D. 39 Nudd Ave

Applicant: William and Linda Statires.

Agent: Gerry Donahue, contractor

Application Type: Town Special Permit and NHDES Standard Dredge and Fill

The application is for the removal of a single family structure a 2-unit structure and the reduction of asphalt driveway foot print for the construction of a new single family dwelling. Mr. Donahue explained that the current amount of impervious surface in the 50' buffer is 1,550 sq. ft. which will be reduced to 383 sq. ft. Mr. Diener asked how much of the driveway will be removed. Mr. Donahue explained that currently it is U-shaped and takes up a substantial portion of the property. The new driveway will only extend from Nudd Ave to the attached garage, all of which will be outside of the 50' buffer. Mr. Donahue further explained that the only structures that will be in the 50' buffer are the deck, shed, and AC Unit. Mr. Vinther asked what type of material would be placed under the deck. Mr. Donahue said they were open to suggestions. The proposed deck will be approximately 4 ft. off of the ground. The consensus of the Commission was that crushed stone would be appropriate under the deck.

The proposed location of the shed had several Commission members concerned because of its close proximity to the wetland edge. It was preferred that the shed be located as far from the wetland edge as possible, especially given the typical items such as lawn mowers and gas cans that are stored in accessory sheds. Mr. McNamara suggested incorporating the square footage of the shed into the back half of the garage. A larger door could be placed on the back side of the garage and provide ample storage. This would also be more aesthetically pleasing than the garage with a shed located only a few feet away. Commission members supported the concept and the home owners following a brief discussion with their contractor were agreeable.

Mr. Page asked if the AC unit base would be concrete. Mr. Donahue responded that it would be a manufactured pad, most likely slightly smaller than the dimensions he had on the plan.

NO PUBLIC COMMENT

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Mr. Donahue asked if they could add the replacement of the existing fence with a perimeter fence to this permit or if it had to occur under a new permit. The Commission had no issues with adding the fence installation to this permit. The biggest concern was that the fence be constructed and installed in a manner that allowed any flood waters to pass through the fence. Mr. Donahue explained that it would be 3.5ft high picket style fence.

MOTION by Mr. Page to recommend the Special Permit for the removal of the existing single family structure and 2-unit structure and the construction of a deck with stairs, AC unit pad, and shed with following conditions and the usual stipulations:

1. The applicant has agreed not to install a new shed, but instead incorporate up to an additional 130 sq. ft. to the rear of the proposed garage.
2. The Conservation Commission does not have an issue with the applicant's request to install a picket fence along the property boundary between the new building and the rear property line, provided that there is space between the pickets to allow water inflow and outflow.
3. Crushed stone will be installed underneath the deck.

SECOND by Ms. Renaud

VOTE: 4-0-1, Mr. Diener abstained

MOTION by Mr. Page to not oppose the approval NHDES Wetland permit at 39 Nudd Ave for removal of the existing single family dwelling, of a 2-unit structure and the construction of a new dwelling, deck, stairs, and installation of an AC unit pad with the following conditions:

1. The applicant has agreed not to install a new shed, but instead add up to an additional 130 sq. ft. to the rear of the proposed garage.
2. The Conservation Commission does not have an issue with the applicant's request to install a picket fence along the property boundary between the new building and the rear property line, provided there is adequate space between the pickets for water inflow and outflow.
3. Crushed stone will be installed underneath the deck.
4. The Conservation Commission shall be notified by the property owners at the beginning and end of the project.

SECOND by Ms. Shaw

VOTE: 4-0-1

E. 580 Winnacunnet Rd

Applicant: Peter Ross/Phyllis Grammatic

Agent: Jones and Beach Engineering

Application Type: Town Special Permit and NHDES Standard Dredge and Fill

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This project involves tearing down the existing single-story Ocean Motel at the end of Winnacunnet Rd. The current building is located on the perimeter of the property with the parking and pool area in the center. Mr. Coronati indicated that almost the entire site has been impacted by development over time and perhaps the only patch that has not been impacted is the small vegetated area closest to Eel Creek. It was observed on the site walk that there is a ditch that appears to originate from under the building and some piping that discharges to Eel Creek. The catch basins on site are completely blocked with sediment. The proposed building will be situated closer to Winnacunnet Road and completely outside of the 50' buffer. The parking area will be behind the structure and consist of permeable asphalt except for the entry portion which will be standard asphalt. There will be some garage spaces under the building. There is a section of permeable pavement and the pool area that is proposed within the 50' buffer. The proposed pool is smaller than the one currently on-site. Mr. Coronati also noted that the entrance will be further from Eel Creek and a section of the asphalt along the roadway will be turned to grass. They are proposing to plant *Rosa rugosa* and bay berry along the top surface of the Eel Creek embankment. There are two existing trees near the eel ditch that are not in great health, they are open to keeping or removing them and planting with more shrubs.

Ms. Renaud commented that during the site walk there was mention of using coconut logs to stabilize the creek bank. Mr. Coronati said that he had met on site with Frank Richardson of NHDES Wetland Bureau to look at the embankment. Mr. Richardson commented that since there does not appear to be any undercutting of the bank that coconut logs would not be necessary. Mr. Diener commented that there does appear to be some erosion taking place near one of the trees that had been topped by the utility company. Mr. Coronati agreed and that erosion would be addressed. Ms. Renaud asked if there should be more of a barrier between the pool and creek bank to protect children from wandering over the edge. Mr. Coronati commented that the proposed plantings along Eel Creek should create enough of a natural barrier but that they could also add some plants that are prickly to help deter children. Lastly, Ms. Renaud stated that she had no issue with the pool being located in the buffer.

Ms. Shaw asked if the pipes that are currently discharging to the Eel Creek were going to be cut back and capped. Mr. Coronati stated that they would be. At this time, they did not know where those pipes originate from but are sure it will become apparent during demolition. Instead of removing the pipes completely from the buffer as that would create a larger disturbance, the pipes will be disconnected from the source, cut back, and capped.

Mrs. Dionne asked about the addition of "No Snow Storage" signs along the edge of the parking area in the 50' buffer. There is limited snow storage available on-site and these types of signs are a very helpful reminder to those contracted to clear or remove the snow.

Mr. Diener asked about the seasonal high water table and if there was sufficient separation for porous pavement to be successful. Mr. Coronati shared that the soils on-site are not ideal for drainage but since the site was being elevated by approximately 2 ft. for FEMA first floor height requirements, sufficient separation will be achieved. Mr. Coronati added that retaining walls will be installed to hold the fill. There will be a slight slope to the property which will result in a 1.5

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ft. drop from the edge of porous pavement to grass area along the western edge.

Mr. Diener asked about the roof drains which discharge through a solid pipe that runs underneath the porous pavement out to a swale that leads to Eel Creek. Mr. Coronati explained that the roof drains will only be collecting water from the back half of the roof. The front half is not guttered. The roof drain pipe empties approximately 30' from Eel Creek into a vegetated swale that has 10' of stone rip rap to slow the velocity and capture sediments. He stated that they could add stone check dams to the swale to help further slow the water and remove sediment until it is stabilized with vegetation.

Mr. Page asked where the pool water is drained or discharged. Mr. Coronati stated that a pool company will fill and remove the water and this will be stipulated in the condominium documents. The Commission does not want to see any pool water being discharged to Eel Creek. Mr. Page asked how the porous pavement was working on Witch Island Way, a nearby newly constructed condominium complex. Mr. Coronati stated that it appears to be working very well.

Mr. Vinther shared his concern about making certain that no pool water is discharged to Eel Creek.

Mr. Diener indicated that he had no issues with unhealthy vegetation, like the broken cedar, being replaced with a new plant. He would like to have a planting plan reviewed and approved by the Coordinator prior to installation.

Mrs. Dionne shared with the Commission that this project is scheduled to go before the Plan Review Committee on the September 25th. There is the potential for there to be substantial changes to plan and the Commission may want to address that concern in their motion.

NO PUBLIC COMMENT

The Commission briefly summarized their list of concerns before making a motion.

MOTION by Ms. Renaud to recommend the Special Permit for the removal of the existing motel and construction of a new 4-story building with 23 condominium units, pool, and associated utilities and parking at 580 Winnacunnet Rd with the following conditions and the usual stipulations:

1. There shall be no snow or waste materials storage within Wetland Conservation District (WCD). A barrier shall be installed with a "No Snow Storage" sign (with two arrows pointing opposite directions) along the edge of the porous pavement north of the pool.
2. The condominium documents shall include a reference that no snow or waste materials shall be stored within the WCD and no pool water shall be discharged directly or indirectly into the WCD.
3. Stone check dams shall be installed within the northwestern swale to slow the flow of water

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until it becomes vegetated.

4. The existing outflow pipes (2) that discharge to Eel Creek shall be cut and capped.
5. An As-built plan shall be submitted following project completion.

SECOND by Ms. Shaw

AMENDED by Mr. Diener to include a statement that if the existing unhealthy vegetation along Eel Creek is removed, a planting plan must be approved by the Coordinator before installation.

SECOND by Ms. Shaw

VOTE: 4-0-1, Mr. Diener abstained

MOTION by Ms. Renaud to not oppose the NHDES Wetland permit at 580 Winnacunnet Rd for the removal of the existing motel and construction of a new 4-story building with 23 condominium units, pool, and associated utilities and parking with the following conditions:

1. There shall be no snow or waste materials storage within Wetland Conservation District (WCD). A barrier shall be installed with a "No Snow Storage" sign (with two arrows pointing opposite directions) along the edge of the porous pavement north of the pool.
2. The condominium documents shall include a reference that no snow or waste materials shall be stored within the WCD and no pool water shall be discharged directly or indirectly into the WCD.
3. Stone check dams shall be installed within the northwestern swale to slow the flow of water until it becomes vegetated.
4. The existing outflow pipes (2) that discharge to Eel Creek shall be cut and capped.
5. The existing vegetated area adjacent to Eel Creek shall remain vegetated. The property owner is permitted to remove unhealthy or damaged vegetation and replace with new suitable plants. A planting Plan shall be approved by the Conservation Coordinator prior to installation
6. An As-built plan shall be submitted following project completion.
7. The Conservation Commission shall be notified by the property owner at the beginning and end of the project.

SECOND by Mr. Vinther

VOTE: 4-0-1, Mr. Diener abstained

OLD BUSINESS

a. Hurd Farm Signage

Mrs. Dionne commented that she would take over figuring out the signage for Hurd Farm since Mrs. Goethel has been extremely busy with other commitments.

b. Temporary Secretary

Mrs. Dionne gave a brief overview of Anne Marchand's qualifications as a minute taker. She asked the Commission to vote whether to approve/recommend Ms. Marchand for hire as a

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temporary secretary while Mrs. Dionne is on maternity leave.

MOTION by Ms. Renaud to recommend the hiring of Ms. Anne Marchand as temporary secretary.

SECOND by Ms. Shaw

VOTE: 5-0-0

c. Phragmite Control at Landing and Drakeside Roads

Mrs. Dionne reminded the Commission members that there is a native salt marsh planting event scheduled for September 27th and 28th at Landing and Drakeside Roads. Mrs. Dionne has been trying, albeit unsuccessfully, to gather volunteers for this event. Anyone that is available is encouraged to attend because the volunteer hours will help to offset the cost.

NEW BUSINESS

a. Usual Stipulation Update

Mrs. Dionne shared two potential additions to the usual stipulations that accompany each recommended Special Permit. The first was adding the requirement of an “as-built” which is very important for new development or for complete redevelopment of properties and seawall reconstruction. The second was a stipulation that requires all conservation easements or deed restrictions to be reviewed by the Conservation Commission and Legal Department prior to recording at the Rockingham Registry of Deeds. Commission members were onboard with adding the as-built stipulation. However, decided to leave out the easement and deed review because of their low frequency.

MOTION by Mr. Page to add an as-built requirement to the usual stipulation list.

SECOND by Ms. Renaud

VOTE: 5-0-0

b. Proposed management agreement for subset of Town owned land.

Mrs. Dionne handed out a document that listed over 150 parcels totaling over 700 acres that are owned by the Town of Hampton but not under care of the Conservation Commission. The Town Manager, Mr. Welch, put together this list and based the agreement on the one currently held between the Town and Commission for Ice Pond. Several members questioned how would the Commission handle trying to monitor so many parcels. It is currently difficult to monitor the property that is under the care of the Commission. Mr. Diener commented that there might need to be a volunteer group that is trained to do the monitoring. Mr. Page commented that the Conservation Commission does not have any enforcement authority, so any violations would need to be reported to the Building Inspector or Board of Selectmen. He was also concerned about the number of parcels that are in the salt marsh where the exact bounds are unknown and monitoring could be tricky. Mr. Diener added that some of these Town parcels are small while others are quite substantial 10+ acres. When he was before the Selectmen recently for budget discussions, this potential monitoring came up and Mr. Diener said that the work could not be

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done for free. There was talk about adding it to the budget if the cost was less than a few thousand dollars.

A Commission member also commented that it would be helpful to map these lots in order to get a better understanding of where they are located. It might be possible to group properties by those that can be viewed by driving by versus needing to be walked. Mr. Page had one last concern about the monitoring requirements and if there are any unforeseen consequences. Several members agreed with this concern. Mrs. Dionne added that currently we do not have a great system for monitoring the Conservation owned parcels. This would need to be improved before adding more properties to the list. Mrs. Dionne said that she would work on getting a map of these additional parcels. At this time, Commission members did not feel comfortable accepting the agreement until further research can be done.

c. Creation of Hampton Conservation Facebook Page

Mrs. Dionne shared that Paul Paquette, IT Specialist, had asked if the Commission was interested in creating a Facebook Page. There has been movement toward creating social media pages. Commission members were not convinced that it was necessary at this time. Mr. Diener commented that for this type of page to be successful it has to be updated frequently and this may not be something we want to focus on right now.

MOTION by Ms. Renaud to table any action on creating a Facebook Page at this time.

SECOND by Mr. Diener

VOTE: 5-0-0

d. 35 Huckleberry – RSA 41:14-a Recommendation on acceptance of the drainage easement.

The Board of Selectmen have requested that the Conservation Commission provide a recommendation on whether to accept the proposed drainage easement shown in the 35 Huckleberry Lane Subdivision plan as required under RSA 41:14-a. Mr. Vinther was not certain why the Town would want to accept the backup role for cleaning/maintaining the drainage easement. Mr. Diener explained that as the backup, the Town can charge the owner for any work that is done and it helps to ensure that none of the abutters are negatively affected by poor maintenance.

MOTION by Mr. Page to recommend the acceptance of the proposed drainage easement on the 35 Huckleberry Lane Subdivision.

SECOND by Ms. Renaud

VOTE: 4-0-1, Mr. Vinther abstained.

CONSERVATION COORDINATOR AND CHAIRMAN UPDATE

1. PSNH – easement versus deeded land

Mr. Diener explained that the recording of the deed to a 25 acre parcel from PSNH when they upgraded their substation, has been delayed for several years now. There are some unresolved language issues in the deed. However, Mr. Diener and Attorney Gearreald have been trying to

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get the deed ironed out. Mr. Diener stated that there is currently a mortgage challenge which makes the transfer of the deed more time consuming than it would be if the Commission were interested in a Conservation Easement instead. Mr. Diener would like to know if the Commission would prefer to wait for the deed or if a Conservation Easement is acceptable. Mr. Page commented that he had worked on trying to get this issue resolved a few years ago to no avail and that he would prefer for the original arrangement to be met. Several other members were in agreement that the original deal should be upheld.

MOTION by Mr. Page to move forward with securing the deed.

SECOND by Ms. Renaud

VOTE: 3-0-2, Mr. Diener and Mr. Vinther abstained.

2. Sealed Surface Revisions

Mr. Diener commented that they had a productive work session yesterday in the attempt to put together a warrant article that will reduce the maximum allowed amount of impervious surfaces in Hampton. Mr. Diener also shared that he spoke with Jack Mette who is leading the Planning Board's study of the downtown village area. The study's goal is to promote a downtown close knit area which could conflict with the goals of this warrant article. Mr. Mette raised the question about use of Best Management Practices or Low Impact design that could treat and manage all of the site's stormwater. If this could be achieved, could there be some relief from the sealed surface requirement? Mr. Page reminded the Commission of the Community Oven Plaza area which has a substantial treatment center under the parking area that treats all of the site's runoff. Mr. Diener provided a revised version of the warrant article that attempts to address the question raised by Mr. Mette. It was decided that this wording could be reviewed outside of this meeting and comments provided via email.

TREASURER'S REPORT

No report this month

MOTION to Adjourn by Ms. Renaud at 10:24 pm

SECOND by Mr. Page

VOTE: 5-0-0